IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2388 OF 2005

Mr. Jaywant Hanumant Damugude and ors.
...Petitioners.

Vs.

State of Maharashtra and ors.
...Respondents.

Mr.U.S. Wade i/by M.R. Patil for the Petitioners.
Mr.A.W. Ansari for the Respondent No.1.
Mr.A.S. Gadkari, APP. for the State.

CORAM :R.M.S.KHANDEPARKAR &
R.S. MOHITE, JJ.
DATED :DECEMBER 15, 2005.

P.C.

1. Heard Advocate for the petitioners.

2. By the present petition, the petitioners are seeking directions for quashing of F.I.R. bearing No.237 of 2005 as well as for directions to the respondent No.2 to lodge an F.I.R. regarding the alleged scam relating to theft of steel rods against the respondent No.5 and some other persons alleged to be the partners of the respondent No.5.

3. As regards the first prayer, the F.I.R. which is registered bearing No.237 of 2005, prima facie discloses the cognizable offence and the involvement of the

petitioners therein and therefore, there is no question of quashing of F.I.R. at this stage. Once F.I.R. prima facie discloses cognizable offence, it is obligatory on the part of the police authorities to register the offence under Section 54 of the Code of Criminal Procedure and to investigate the matter and therefore, no fault can be found in the said F.I.R.

4. As regards the second prayer, though number of copies of communication to the police authorities are sought to be referred but none of those communication in specifically reveal commission of any of the cognizable offences either by Respondent No.5 or any other person or being member of his group. Being so, there is no occasion for this court to give directions to the Respondent No.2 to register such communication as F.I.R. which do not disclose any fact revealing cognizable offence to enable the police to investigate into the matter.

5. For the reasons stated above, therefore, the petition is rejected.

(R.M.S.KHANDEPARKAR, J.)

(R. S. MOHITE, J.)